

ABT SYSTEMS, LLC v. EMERSON ELECTRIC CO., Appeal No. 2014-1618, 1700 (Fed. Cir. August 19, 2015). Before Prost, Clevenger and Schall. Appealed from E.D. Mo. (Judge Fleissig).

Background:

ABT brought suit against Emerson alleging patent infringement based on Emerson's thermostats. The independent claim of the patent at issue is directed to an air conditioning control apparatus that periodically activates the circulating fan when no heating or cooling is performed, for the purpose of reducing air stagnation. The control apparatus begins the periodic activation of the fan at a predetermined time after the air conditioning system has been deactivated.

At trial, Emerson asserted invalidity based on the theory that four prior art references rendered the claim obvious. The jury found the patent valid and infringed by Emerson's thermostats, and the district court denied Emerson's motion for judgment as a matter of law. Emerson appealed.

Issue/Holding:

Did the district court err in denying Emerson's motion for judgment as a matter of law that the claimed invention was obvious? Yes, reversed.

Discussion:

The Federal Circuit reviewed the prior art and determined that the combination of teachings would have made obvious the claimed air conditioning control apparatus. Specifically, the Federal Circuit found that two of the four references cited by Emerson teach periodically activating the circulating fan when no heating or cooling is performed, but do not expressly teach beginning the periodic activation at a predetermined time after the air conditioning system has been deactivated. The Federal Circuit further found that the remaining two references cited by Emerson teach a single activation of the circulating fan at a predetermined time after the air conditioning system has been deactivated, but do not expressly teach periodic activation. Because the cited references address the same problem as the patent (i.e., reducing air stagnation), the Federal Circuit held that there was sufficient motivation to combine the teachings of the references. The Federal Circuit then held that it would have been obvious to set the timer in the references teaching periodic activation to begin at a predetermined time after the air conditioning system is deactivated because the very nature of the problem is to alleviate air stagnation after deactivation. Agreeing with Emerson, the Federal Circuit found the claimed invention to represent a combination of familiar elements yielding a predictable result: the fan would activate periodically following the end of the air conditioning cycle.

Although ABT argued commercial success as a secondary consideration, the Federal Circuit was not persuaded because ABT failed to show any nexus between the claimed feature at issue and the commercial success of its products. ABT's assertion of a long-felt need for the claimed air conditioning control apparatus was also found meritless because the claimed features were known in the prior art and were used to address the problem of air stagnation, thus satisfying the need before the claimed invention.